

**0.0 Planning Application PL16/026751 at 100-102 Williamsons Road, Doncaster for the construction of a three-storey apartment building (comprising 21 dwellings) and associated basement car parking, and altered access to a road in a Road Zone, Category 1**

File Number:	IN17/579
Responsible Director:	Director Planning and Environment
Applicant:	Urban Edge Consultants
Planning Controls:	Residential Growth Zone, Schedule 2 and Design and Development Overlay, Schedule 8
Ward:	Koonung
Attachments:	1 Advertised Plans/Decision Plans 2 Legislative Requirements

## **EXECUTIVE SUMMARY**

### **Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for land at 100-102 Williamsons Road, Doncaster and recommends approval of the submitted proposal. The application is being reported to Council given that it is a Major Application (more than 15 dwellings and an estimated development cost of more than \$5 million).

### **Proposal**

2. The proposal is for the development of a three (3) storey apartment building with one (1) basement level across 100 and 102 Williamsons Road, Doncaster. The site is 1,320.3 square metres. The building provides four (4) one-bedroom and seventeen (17) two-bedroom dwellings over three levels, and twenty-five (25) car parking spaces within the basement level. The proposal has a maximum height of 10.5 metres, a site coverage of 56.9% and permeable area of 31.35%.

### **Key issues in considering the application**

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy (consistency with state and local planning policy);
  - (b) Design, built form and landscaping;
  - (c) Car parking, access and traffic;
  - (d) Compliance with Clause 55 (ResCode); and
  - (e) Objector concerns.

### **Objector concerns**

4. Three (3) objections have been received in relation to the application, raising issues which are summarised as follows:
  - (a) Lack of respect for neighbourhood character in terms of height and setbacks;
  - (b) Visual bulk;
  - (c) Site coverage;
  - (d) Compliance with restrictive covenant;
  - (e) Traffic impacts to Williamsons Road and parking impacts;

- (f) Non-compliance with ResCode; and
- (g) Off-site amenity impacts in terms of noise and safety.

### Assessment

5. The proposal is generally consistent with the provisions of the Manningham Planning Scheme, in particular Clause 21.05 Residential, the Design and Development Overlay, Schedule 8, and Clause 55 (ResCode). These controls recognise that there will be a substantial level of change in dwelling yields and built form on the site.
6. The proposed development features a high quality architectural presentation and is of a scale which is consistent with the intent of the Residential Growth Zone and preferred built form outcomes implied by the Design and Development Overlay, Schedule 8. The building maintains a compact footprint and has limited hard stand surfaces, allowing for a thorough landscaped theme to be established within the generous boundary setbacks. With some refinement, the development will achieve a well-balanced outcome in the context of on-site and off-site amenity considerations.
7. The proposal makes efficient use of the site and is an appropriate development within this site context, with good access to services, facilities and public transport.

### Conclusion

8. The report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring some minor design changes to the building and the submission of various plans for Council approval.
9. It is recommended that the application be supported, subject to conditions.

### RECOMMENDATION

#### That Council:

- A. **Having considered all objections, issues a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL16/026751 at 100-102 Williamsons Road, Doncaster for the construction of a three-storey apartment building (comprising 21 dwellings) plus associated basement car parking, and altered access to a road in a Road Zone, Category 1, subject to the following conditions:**

1. **Before the development starts, two copies of amended plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Sgourakis Architects (dated 1 February 2017), but modified to show the following:**

#### **Built form**

- 1.1. **The southern elevation to achieve compliance with Standard B20 of Clause 55.04-4 of the Manningham Planning Scheme to adequately protect daylight to the north-facing windows of No 98**

**Williamsons Road;**

- 1.2. The northern elevation associated with the balcony of Apartment 20 corrected to reflect the floor plan, with demonstration that the adjacent parapet wall height achieves setback compliance with Standard B17 of Clause 55.04-1 of the Manningham Scheme;
- 1.3. The louvre screens upon the east facing balconies modified/increased in height to a degree which further limits downward views into the adjoining secluded private open space areas of No. 1 and 2 Leonard Court, in accordance with the Objective of Clause 55.04-6 of the Manningham Planning Scheme;
- 1.4. Further detailing/sectional diagrams to demonstrate that the raised terraces within the eastern boundary setback will not result in unreasonable overlooking into the adjoining properties to the north and east, in accordance with Objective and Standard of Clause 55.04-6 of the Manningham Planning Scheme;
- 1.5. The courtyard and associated fencing of Apartment 03 set back a minimum of 3.5 metres from the frontage;
- 1.6. The courtyard and associated fencing of Apartments 02 and 04 set back a minimum of 3.0 metres from the frontage, with fencing modified to achieve 50 percent transparency where facing the street;
- 1.7. Removal of paving from the southern boundary setback and relocation of any clothesline/air conditioning units to alternative locations towards the west and east;
- 1.8. Bedrooms and living areas (excluding dining and kitchen areas) to achieve the following dimensions:
  - 1.8.1. A 3 metre width x 3.4 metre depth for the Main Bedroom;
  - 1.8.2. A 3 metre width x 3 metre depth for all other bedrooms;
  - 1.8.3. A 3.3 metre width and 10 sqm minimum Living area for 1 bedroom dwellings; and
  - 1.8.4. A 3.6 metre width and 12 sqm minimum Living area for 2 (or more) bedroom dwellings;
- 1.9. All bedrooms to provide for a wall against which a bed-head can be placed;
- 1.10. The sill height of the north-facing bedroom window directly adjacent to the basement ramp suitably raised to reduce associated noise and light impacts;
- 1.11. The communal corridors widened by way of absorbing the service cabinets into the adjacent dwelling footprint at each respective level, or other suitable method;
- 1.12. Inclusion of some "Chillingham White" brick on the ground and first floor southern elevation, preferably in the location of Bedroom 2 of Dwellings 01 and 09;
- 1.13. Notation that acoustically rated glazing is to be used for all west facing windows and sliding doors;
- 1.14. Any design changes required in accordance the approved Functional Layout Plan required by Condition 4;
- 1.15. Any design changes required and a schedule listing the minimum sustainability features, as described in the approved Sustainability Management Plan required by Condition 7;

**The Basement and Accessways**

- 1.16. The intercom placed in an accessible and safe location along the basement ramp;

- 1.17. Storage facility volumes nominated to the satisfaction of the Responsible Authority;
- 1.18. Details of the type and material of enclosure for each storage area;

#### Site services

- 1.19. Details of how service cabinets will be screened/finished, so as to reasonably integrate into the overall development scheme;
- 1.20. Maximum height of roof plant screening;
- 1.21. Details of basement ventilation, including the location of any mechanical intake or outlet;

#### Materials

- 1.22. A separate sheet with a full schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens and retaining walls. This is to include:
  - 1.22.1. Further detailing regarding the screen elements shown upon areas of the front façade;
  - 1.22.2. No external walls of brick to be covered/rendered over, with appropriate plan notations to this effect;
  - 1.22.3. Dark/patterned paving upon the pedestrian path areas and vehicular accessway, where visible to Williamsons Road;
  - 1.22.4. Design detailing of front fencing demonstrating 50% transparency where required;
  - 1.22.5. Retaining walls constructed of a durable material such as stone or blockwork, and finished in a colour which complements the overall colour scheme.

#### Endorsed Plans

2. The development as shown on the approved plans must not be altered without the prior written consent of the Responsible Authority.

#### Functional Layout Plan

3. Before Prior to the endorsement of plans under Condition 1 of the Permit, the Functional Layout Plan required by Condition 51 of this Permit must be submitted to and approved by the Responsible Authority, and include the following:
  - 3.1. The service road widened by 1.0 metre to achieve a minimum road width of 5.5 metres to an extent determined by the Responsible Authority. The length of the service road to be widened past the driveway will be determined following consideration of the turning manoeuvres of a service vehicle parked in the service road parallel to the development;
  - 3.2. The widening of the service road to match the existing pavement;
  - 3.3. Localised widening of the north eastern corner of the access entry to facilitate higher left-turn entry speeds from Williamsons Road into the service road;
  - 3.4. Setback of the localised widening a minimum distance of 1 metre to the side entry pit, utility pits, electricity pole;

- 3.5. Appropriate signage to formalise the two-way traffic function of the service road;
- 3.6. 'No Stopping' parking restriction signs at appropriate locations along the service road; and
- 3.7. Widening of the south side of the existing access way into the service road to enable simultaneous two-way movements between a B99 and service vehicle.

When approved, the plan will form part of the permit.

4. Prior to the commencement of the development, or as otherwise agreed to by the Responsible Authority, the changes to the service road as shown on the Functional Layout Plan approved under Condition 3 of this permit must be completed to the satisfaction of the Responsible Authority. All costs associated with these works are to be borne by the permit holder to the satisfaction of the Responsible Authority.
5. Prior to the commencement of works associated with Condition 4, plans detailing the engineering design associated with the Functional Layout Plan must be submitted to and approved by the Responsible Authority.

#### Construction Management Plan

6. Before the development starts, two copies of a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. When approved, the CMP will form part of the permit. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines
  - 6.1. Element A1: Public Safety, Amenity and Site Security;
  - 6.2. Element A2: Operating Hours, Noise and Vibration Controls;
  - 6.3. Element A3: Air Quality and Dust Management;
  - 6.4. Stormwater and Sediment Control and Tree Protection;
  - 6.5. Element A5: Waste Minimisation and Litter Prevention; and
  - 6.6. Element A6: Traffic and Parking Management.

#### Sustainability Management Plan

7. Prior to the endorsement of plans under Condition 1 of this Permit, of a Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The Plan must include the initiatives in the BESS assessment submitted with the application (received February 2017), a Green Travel Plan, and account for any design changes required by Condition 1 of this permit, and address following:
  - 7.1. Management 1.1: Evidence pre-application has taken place, including the date of the meeting, the officers present and the sustainable design outcomes discussed;
  - 7.2. Energy 1.1: A commitment to achieving a 10% improvement on Section J requirements of the National Construction Code (NCC). (e.g. 6.6-stars average for dwellings). A Preliminary NatHERS

- assessment of sample units is required (Firstrate, Accurate or BERS Pro) or provide information on how energy efficiency requirements for the whole development will be achieved;
- 7.3. Stormwater: Provide further information in the SMP and a STORM report that indicates that the project meets the 100% score claimed. Additional Stormwater management strategies need to meet Council's Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017. Relevant information regarding size and location of rainwater tanks connected to toilets and/or details of other stormwater treatment types proposed is required on the plan;
  - 7.4. Waste 2.1: Facilities provided for on-site management of food and garden waste to be detailed and on plan, or the BESS entry otherwise amended;
  - 7.5. Urban Ecology 3.1: Food production areas to be detailed and on plan, or otherwise amended to unrated/default on BESS assessment;
  - 7.6. Demonstration that development meets minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice.

#### **Waste Management Plan**

8. Before the development starts, two copies of a waste management plan must be submitted (which adhere to the draft Waste Management Plan prepared by Leigh Design, dated 6 March 2017) and approved to the satisfaction of the Responsible Authority. When approved the Waste Management Plan will form part of the permit.
9. No private waste contractor bins may be left outside the development boundary or left unattended at any time on any street frontage for any reason.

#### **Management Plan Compliance**

10. Management Plans approved under Conditions 6, 7 and 8 of this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
11. Prior to the occupation of the dwellings, written confirmation from a qualified person or company, must be submitted to the Responsible Authority to confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan approved under Condition 7 of this permit have been implemented in accordance with the approved plans.

#### **Landscaping Plan**

12. Prior to the endorsement of plans under Condition 1 of this Permit, , a detailed Landscape Plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for

approval. The plan must include the following:

- 12.1. The current design layout and any amendments required under Condition 1 of the planning permit;
- 12.2. At least three canopy trees within the front setback, capable of growing to a height of 8.0m or more at maturity, and a minimum of 2.5m at the time of planting;
- 12.3. A continuous landscaping treatment along the site frontage, with appropriate dense screen planting where adjacent to any transparent courtyard fencing;
- 12.4. Dense screen planting, including canopy trees, along the side and rear boundaries to be a minimum 2.5 metres in height at the time of planting, and capable of reaching a mature height of at least 6m. Species along the rear boundary are to be evergreen.
- 12.5. The retention of any suitable existing trees established along the rear boundary.  
The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

#### Landscaping Bond

13. Before the release of the approved plan for the development, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### Tree Protection

14. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained on the adjoining properties are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practice.

#### Drainage

15. The owner must provide on-site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 15.1. Be designed for a 1 in 5 year storm; and
  - 15.2. Storage must be designed for 1 in 10 year storm.
16. Before the development starts, a construction plan for the system required by Condition 15 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the owner thereafter, in accordance with the approved

construction plan to the satisfaction of the Responsible Authority.

17. The stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.
18. The whole of the land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

#### Completion

19. Privacy screens to balconies and obscure glazing, as required in accordance with the plans approved pursuant to Condition 1 of this permit, must be installed prior to occupation of the buildings, to the satisfaction of the Responsible Authority, and maintained thereafter, to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
20. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed, generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
21. Driveway gradients and transitions, as shown on the plan approved under Condition 1 of this permit, must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

#### General Services

22. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
23. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively, to the satisfaction of the Responsible Authority.
24. Any PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering, to the satisfaction of the Responsible Authority.
25. All roof-top plant (excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
26. Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the

**Responsible Authority.**

- 27. An air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority and, unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall.**
- 28. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace and must not be visible from off the site, to the satisfaction of the Responsible Authority.**
- 29. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.**
- 30. A centralised TV antenna system must be installed to each building and connections made to each dwelling to the satisfaction of the Responsible Authority.**
- 31. No individual dish antennas may be installed on balconies, terraces, roofs or walls, to the satisfaction of the Responsible Authority.**
- 32. All on-site services, including water, electricity (excluding the existing sub-station), gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 33. All hot water systems (excluding associated solar panels) must be installed within the subject buildings, unless otherwise agreed in writing with the Responsible Authority.**
- 34. Buildings, paved areas, drainage and landscaping (including planting within integrated balcony planters) must be maintained, to the satisfaction of the Responsible Authority.**
- 35. Letterboxes must be designed and located to satisfy the requirements of Australia Post, to the satisfaction of the Responsible Authority.**
- 36. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters, to the satisfaction of the Responsible Authority. Where no such placement is possible, meters must be “banked” and provided with a neatly designed, durable screen surround (in stained timber, or dark coloured, perforated metal sheeting, for instance), to the satisfaction of the Responsible Authority.**
- 37. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located so as not to adversely affect the amenity of the area by way of appearance/visual prominence, to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance,**

appropriately designed/finished screening must be installed and maintained, to the satisfaction of the Responsible Authority.

38. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems), which is visible to immediate neighbours or from the street, may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
39. If, in the opinion of the Responsible Authority, roof plant proposed under Condition 38 of this permit is acceptable subject to the erection of sight screens, such sight screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access, to the satisfaction of the Responsible Authority.
40. A centralised TV antenna must be installed and connections made to each dwelling, to the satisfaction of the Responsible Authority.
41. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
42. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site, to the satisfaction of the Responsible Authority.

#### Driveway and Car parking

43. Before the occupation of any of the approved dwellings, all associated basement parking spaces must be line-marked and numbered and to provide allocation to each dwelling, to the satisfaction of the Responsible Authority.
44. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel, to the satisfaction of the Responsible Authority.
45. The visitor car parking space must be clearly marked, kept available at all times and maintained, to the satisfaction of the Responsible Authority.
46. Visitor parking spaces must not be used for any other purpose, to the satisfaction of the Responsible Authority.

#### Fencing/retaining walls

47. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their

cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority. New fencing proposed must be erected at the cost of the developer.

48. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity, to the satisfaction of the Responsible Authority.

#### **Construction Management**

49. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain, to the satisfaction of the Responsible Authority.

#### **Communal Lighting**

50. Driveway/entry path lighting must be provided and connected to reticulated mains electricity and be operated by a time switch or a daylight sensor, to the satisfaction of the Responsible Authority.

#### **VicRoads Conditions**

51. Prior to the commencement of works, a Functional Layout Plan (FLP) showing access arrangements must be submitted to and approved by the Roads Corporation. The plans must be drawn to scale, with dimensions, and must be generally in accordance with the advertised plans, but modified to show:
- a. For the service road entry / exit onto Williamsons Road, the following swept path design is required:
    - i. An 8.8 m service vehicle turning left from Williamsons Road into the development whilst another B99 car turns left out of the service road onto Williamsons Road simultaneously.
    - ii. An 8.8 m service vehicle turning left out of the service road onto Williamsons Road whilst another B99 car turns left from
  - b. For the site access (access crossover) off the service road, the following swept path design is required:
    - i. The access crossover designed to accommodate a B99 and B85 cars simultaneously.
    - ii. The transition from the double crossover to single width access designed to allow a B99 and B85 cars simultaneously.
52. Prior to commencement of works, amended site plans must be submitted to and approved by VicRoads. Once approved by VicRoads, the plans may then be endorsed by Council and will form part of the permit. The plans must be generally in accordance with the advertised plans and amended in accordance with the approved FLP.
53. Prior to commencement of works, detailed engineering design must be submitted to and approved by VicRoads. The plans must be generally in accordance with the approved FLP and to the satisfaction of VicRoads.

**54. Prior to the commencement of the use, all disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel, to the satisfaction of and at no cost to VicRoads.**

**55. Prior to the commencement of the use all works required by VicRoads under this permit must be completed to the satisfaction of VicRoads and at no cost to VicRoads.**

#### **Maintenance**

**56. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.**

#### **Permit Expiry**

**57. This permit will expire if one of the following circumstances applies:**

**57.1. The development is not started within two (2) years of the date of this permit; and**

**57.2. The development is not completed within four (4) years of the date of this permit.**

**The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier, either before the permit expires, or in accordance with section 69 of the Planning & Environment Act 1987.**

## **2. BACKGROUND**

- 2.1 The application was received by Council on 4 October 2016.
- 2.2 A request for further information letter was sent on 28 October 2016. This letter included preliminary concerns relating to the compliance with the restrictive covenant, built form, landscaping, off-site amenity impacts and the functionality of the basement.
- 2.3 The proposal was presented in an amended form to the Sustainable Design Taskforce meeting on 24 November 2016, at which the architectural scheme was generally well received and commended, with recommendations provided around landscaping and amenity considerations.
- 2.4 All further information was received by Council on 20 March 2017, and included a number of refinements to the proposal, including variations to proposed materials in response to covenant restrictions, a reduction in dwelling numbers (from 22 to 21) and built form/layout modifications;
- 2.5 Notice of the application was given over a three-week period which concluded on 4 May 2017.
- 2.6 The statutory time for considering a planning application is 60 days, which lapsed on 3 July 2017

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The subject site is located on the eastern side of Williamsons Road, generally adjacent to that road's intersection with Manningham Road, and approximately 40 metres south of Winston Drive.
- 3.2 The site comprises two titles (Lots 5 and 6) which are developed in a consolidated manner. Together, the lots form a square shaped site with an area of 1,320 square metres. The site has a segmented front boundary to Williamsons Road (service road), totalling 38.22metres, and a maximum depth of 35.7 metres.
- 3.3 The site slopes gently away from the frontage (west to east) in the order of 1.0 metre, and with a similar cross-fall from south to north.
- 3.4 A 2.44 metre wide drainage and sewerage easement is located along the rear (eastern) boundary.
- 3.5 The site is developed with a centrally located double storey brick dwelling. A carport sits forward of the dwelling and is accessed via a circular driveway, serviced by crossovers at the northern and southern ends of the frontage. A large private open space area is to the rear of the dwelling, and contains a swimming pool and spa amidst paved surrounds. The remainder of the open space generally consists of lawn and scattered trees, many of which are of Cypress varieties and not of notable significance.
- 3.6 A high brick fence extends along the majority of the site frontage. The side and rear boundaries are defined by a mixture of capped paling, wire mesh and post and rail fencing at varying heights.
- 3.7 Both titles are constrained by restrictive covenants relating to construction materials.
- 3.8 The site, in addition to three other properties, has frontage to (and vehicular access from) a brick paved service road, running parallel to the west of the primary carriageways of Williamsons Road and within a wide grassed nature strip. The service road is approximately 4.5 metres in width and facilitates two-way traffic movements in an informal manner. The service road ceases beyond No. 98 Williamsons Road, however narrows to provide singular driveway access into No. 92-96 Williamsons Road, south of the pedestrian crossing. Access to and from the primary road network is from the northern end of the service road, which is generally opposite the site's northern boundary.

## The Surrounds

3.9 The site directly abuts four properties. These properties are described as follows:

Direction	Address	Description
South	98 Williamsons Road, Doncaster	<p>This is a single residential allotment developed with a two-storey brick dwelling. The dwelling has a front setback of 7.6 metres and is 2.5 metres from the common boundary. Vehicular access is via a single crossover toward the northern end of the frontage, leading to a car port incorporated into the ground floor footprint. A high, solid brick fence defines the frontage.</p> <p>Secluded open space is to the rear of the dwelling and includes a swimming pool set back over 6.0 metres for the shared boundary. Two habitable room windows are located on the northern elevation, facing the subject site.</p> <p>A mature, 9.0 metre tall Flowering Gum tree is located mid-way along the northern boundary, approximately 1.0 metre from the site.</p> <p>Beyond this site is 92-96 Williamsons Road, which has a live Planning Permit application (yet to be determined) for the construction of 85 dwellings.</p>
North	104 Williamsons Road, Doncaster	<p>This single residential allotment is developed with a two-storey brick dwelling set back 8.5 metres from the frontage. From the common boundary, the dwelling is set back 6.7 metres and has three habitable room windows upon the south elevation which face the site.</p> <p>Directly adjoining the site is a driveway which services both a carport (located forward of the dwelling) and a brick garage at the eastern end of the shared boundary.</p> <p>Secluded private open space is located to the rear of the dwelling, generally further east, beyond the subject site.</p>
East	1 Leonard Court, Doncaster	<p>The rear boundary of this property is shared with the northern half of the subject site's rear (east) boundary. A two-storey brick dwelling is developed on the land, having frontage to Leonard Court. The dwelling is set back more than 13.0 metres from the common boundary, with secluded private open space within this setback area.</p>
	2 Leonard Court, Doncaster	<p>This is a large allotment, which shares part of its rear boundary with the southern section of the site's eastern boundary. Also fronting Leonard Court, the land is a single storey brick dwelling.</p>

		The dwelling is set back 7.4m from the common boundary, with this space forming part of a larger secluded private open space area.
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- 3.10 The subject site and lots adjoining (facing Williamsons Road) form somewhat of a transitional precinct between the different zones and overlays applying to land further north and south. The site, and the two adjoining properties to the north, fall within the *Main Roads* Sub-Precinct of DDO8, however the properties beyond this, and those directly to the east (fronting Leonard Court) fall within *Sub-Precinct B* of the DDO8. Land opposite the site (west side of Williamsons Road) and land further north of George Street fall within the General Residential Zone (Schedules 1 and 3). Land 280 metres south of the site marks the commencement of “Doncaster Hill and its associated Activity Centre zoning.
- 3.11 The character of the broader neighbourhood is consequently quite varied, with a mix of single homes, medium density housing and higher density “apartment” style development. Higher density development is steadily emerging along both Williamsons Road and Manningham Road, with building scales and heights increasing substantially in the southward approach into Doncaster Hill.
- 3.12 This particular section of Williamsons Road (fronting the service road) and land to the rear (east) fronting Leonard Court, has not yet been subject to infill development. As a consequence, the original character is quite intact and these properties feature similar development characteristics to the subject sites, namely being conventional single homes of typical late 1970’s construction.
- 3.13 Williamsons Road is under the jurisdiction of VicRoads, functioning as a Primary Arterial Road and generally runs in a north-south direction. In this particular section opposite the site, there are four south-bound traffic lanes (in addition to a bus lane), with two ceasing at the signalised intersection with Manningham Road, and the remaining two continuing south-bound. The service road is restricted to a left in/left-out traffic flow, and facilitated by “keep clear” line-markings at the service roads merge with these south-bound lanes.
- 3.14 The subject site is well located with respect to commercial and community facilities, public parks and public transport services. Of particular note is the site’s proximity (within a 280 metre walking distance) of Westfield Doncaster, a major activity centre which comprises supermarkets, specialty shops, medical facilities and dining/entertainment services, in addition to a bus interchange. Bus stops servicing multiple bus routes are located within 80 metres of the site, St. Gregory the Great Primary School is located virtually opposite (on the west side of Williamsons Road) and Ruffey Lake Park is within 600 metres to the north-east.

#### 4. THE PROPOSAL

- 4.1 It is proposed to demolish the existing dwellings and remove all vegetation on the site (no planning permit required) so as to construct a three-storey building providing twenty-one dwellings over one level of basement car park.

##### Submitted Plans and Documents

- 4.2 The proposal is outlined on the plans prepared by *Sgourakis Architects*, Revision C, dated 1 February 2017 (received by Council on 23 February 2017). Refer to Attachment 1.

- 4.3 The following reports and plans were submitted with the application:
- 4.3.1 Town Planning Report (*Urban Edge Consultants*, dated February 2017);
- 4.3.2 Traffic Report (*Ratio Consultants*, dated 7 September 2016);
- 4.3.3 Waste Management Plan (*Leigh Design*, received 13 February 2017);
- 4.3.4 Sustainable Design Assessment (*Ecogenie*, dated February 2017);
- 4.3.5 Arboricultural Report (*Galbraith and Associates*, dated 20 March 2017);
- 4.3.6 Concept Landscape Plan (*Sgourakis Architects*, dated 1 February 2017);
- 4.3.7 Legal advice pertaining to restrictive covenant (*Hardwood Andrews*, dated 7 February 2017); and
- 4.3.8 Functional Layout Plan (*Ratio Consultants*, dated 4 October 2017).

### Development Summary

4.4 A summary of the development is provided as follows:

Land Size:	1,320.3m <sup>2</sup>	Maximum Building Height:	10.3m
Site Coverage:	56.9%	Street setback to Williamsons Road (west)	Basement – 5.0m Ground floor – 6.0m First floor – 6.0m Second floor – 6.0m
Permeability:	31.35%	Setback to eastern boundary (rear)	Basement – 4.3m Ground floor – 4.0m First floor – 4.0m Second floor – 8.6m
Number of Dwellings:	21	Setback to northern boundary	Basement – 1.7m Ground floor – 2.47m First floor – 2.47m Second floor – 5.4m
• 1 bedroom:	4	Setback to southern boundary	Basement – 1.95m Ground floor – 1.75m First floor – 1.75m Second floor – 3.95m
• 2 bedrooms:	17	Resident car spaces:	21
• 3+ bedrooms:	0	Visitor car spaces:	4
Density:	One dwelling per 62.87m <sup>2</sup>		

### Development Layout

- 4.5 The ground floor level contains eight (8) dwellings (Ap.01-08), consisting of three (3), one-bedroom dwellings and five (5), two-bedroom dwellings. The four dwellings on the west side of the building are provided with ground level secluded

private open space within the front setback, whilst the remaining dwellings on this level on the east side are provided with ground level terraces within the rear setback. Courtyards range between 17 square metres and 107.6 square metres in size.

- 4.6 The first floor level provides a similar footprint to the level below, also containing eight (8) dwellings (Ap. 09-16), all containing two-bedrooms, except for one. Private open space is in the form of balconies, adjacent to their respective interfaces to the east and west, and ranging between 8.0 and 13.9 square metres in area.
- 4.7 The second floor level has a reduced footprint and contains five (5) dwellings (Ap. 17-21). These are all two-bedroom dwellings, although are generally larger in floor area and living space than those at other levels. One dwelling has its orientation and balcony facing east, with the remaining four dwellings and the balconies are oriented toward the west (frontage). The two outer dwellings (Ap. 17 and 20) also have secondary balconies adjacent to bedrooms facing east and north respectively. Secluded private open space at this level ranges between 7.4sqm and 25 square metres in area.
- 4.8 All dwellings are provided with a generously sized open plan kitchen/living/dining area, and no windows rely on "borrowed light".

#### **Vehicle and Pedestrian Access**

- 4.9 The existing crossover at the northern end of the frontage is to be widened to approximately 6.4 metres, leading to a ramp into the basement car park level, which incorporates a 5.6 metre wide passing area within 6.0 metres of the frontage.
- 4.10 The basement includes twenty-five (25) car parking spaces, four (4) of which are for visitors. Twenty-one (21) storage cages are provided at a minimum 6 cubic metre size, along with four "Ned-Kelly" type bicycle spaces. A common waste storage area is in a centrally accessible location.
- 4.11 The lift core and a stairwell service all levels. Centrally located lobbies and corridors provide access from the lift and stairwell at each level, with access to the ground floor level lobby provided from the street via a pedestrian pathway. Two (2) further bicycle racks are located adjacent the pathway in the vicinity of the frontage.
- 4.12 Waste collection is will occur form with the basement level, via private contractor.

#### **Landscaping**

- 4.13 No existing trees will be retained within the site.
- 4.14 New canopy trees are proposed around the site's periphery, generally concentrated within the front and rear setbacks, and intermittently along the side boundaries. Screen planting is generally proposed along the northern, eastern and southern boundaries, for the length of the building and accessway.
- 4.15 Narrower landscaping strips are provided between the front fences and the title boundary.

- 4.16 In terms of neighbouring trees, the development retains sufficient setbacks to ensure their health and stability is not compromised. The Tree Protection Zone of Tree 14 on the neighbouring property to the south will be encroached by the proposed basement and building footprint. Accordingly, exploratory root trenching was undertaken by a qualified arborist. The findings of the arboricultural assessment state that there is an absence of any substantial roots within the area of the site affected by the Tree Protection Zone. The four roots identified within the trench area were between 20mm and 50mm, which were described as “minor” relative to the tree species (Flowering Gum). It was therefore concluded that the building and basement excavation proposed would not cause impact on the health and stability of this tree.

### Design Detail

- 4.17 The proposed building features a contemporary architectural design, with a more traditional material palette of brickwork on all external walls, namely to satisfy the restrictions of the covenant. Brickwork consists of “brick veneer” in light grey and off white, with contrasting granite coloured “pre-cast panel brick veneer tiles”. Elements other than the external walls utilise alternative materials such as Colorbond and aluminium. The overall presentation is quite symmetrical in form, with the rear elevation bordered in part by an angled, metal feature frame incorporating screening louvres.
- 4.18 A front fence of rendered blockwork and vertical metal posts is proposed along the majority of the front (western) boundary, bounding the secluded private open space areas of the street level dwellings (Ap. 01-04). These fences are set back between 1.9 metres and 2.9 metres from the front boundary and reach 1.95 metres in height.
- 4.19 A services cabinet is incorporated in the front fence (in front of courtyard of Ap. 01), for a length of 6.5 metres and height of up to 1.77 metres.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following clauses of the Manningham Planning Scheme:
- 5.2.1 Clause 32.07-5 (**Residential Growth Zone**), a permit is required to construct two or more dwellings on a lot.
  - 5.2.2 Clause 32.08-6 (**General Residential Zone**), a permit is required to construct a front fence within 3 metres of a street if the fence is associated with 2 more dwellings on a lot or a residential building and exceeds the maximum height specified in Clause 55.06-2.
  - 5.2.3 Clause 43.02-2 (**Design and Development Overlay**), a permit is required to construct or carry out works.
  - 5.2.4 Clause 43.02-2 (**Design and Development Overlay**), a permit is required to construct a front fence within 3 metres of a street if the fence is associated with 2 more dwellings on a lot or a residential building.

- 5.2.5 Clause 52.29 (**Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road**), a permit is required to create or alter access to a road in a Road Zone, Category 1.

**6. REFERRALS**

**External**

- 6.1 Given the proposal includes altering vehicular access to Williamsons Road (service road), it is a statutory requirement to refer the application to VicRoads, as the determining Referral Authority.
- 6.2 VicRoads has not objected to the proposal, subject to a number of conditions and modification requirements, to be demonstrated in a “Functional Layout Plan” prior to commencement of any works. These requirements generally relate to the widening of the service road’s entry and proposed crossover.
- 6.3 VicRoads, in its response, also highlighted some areas for Council to consider, as the authority responsible for the general management and maintenance of the service road. Officers from Council’s Planning Unit and Engineering and Technical Services Unit met with VicRoads subsequent to receiving its referral comments. These discussions resulted in a coordinated response to the overall requirements pertaining to the service road. These discussions also considered the access needs of any potential development of 92-96 Williamsons Road (current planning application) which also lies on vehicular access via the service road.
- 6.4 It should be noted that VicRoads generally assumes responsibility around the development’s impact upon the primary road network, whilst Council’s responsibility lies more with the functioning of the service road (see internal referral response below).

**Internal**

- 6.5 The application was referred to a number of service units within Council. The following table summarises the responses:

Service Unit	Comments
<p><b>City Strategy – Sustainability</b></p>	<ul style="list-style-type: none"> <li>• The application needs to meet Council’s expectations for Environmentally Sustainable Design (ESD) standards for a development of this type and scale in its current form. A Sustainable Management Plan is required to include the initiatives in the BESS assessment and include a Green Travel Plan. Items to be addressed are outlined below:</li> </ul> <p><u>Management 1.1 Pre-Application Meeting</u></p> <ul style="list-style-type: none"> <li>• Provide evidence that this has taken place, including the date of the meeting, the officers present and the sustainable design outcomes</li> </ul>

Service Unit	Comments
	<p>discussed.</p> <p><u>Energy 1.1 Thermal Performance Rating - Non-Residential</u></p> <ul style="list-style-type: none"> <li>For a development of this size we expect a commitment to achieving a 10% improvement on section J requirements of the National Construction Code (NCC). (e.g. 6.6-stars average for dwellings)</li> <li>Provide a preliminary NatHERS assessment of sample units (Firstrate, Accurate or BERS Pro) or provide information on how energy efficiency requirements for the whole development will be achieved.</li> </ul> <p><u>Stormwater</u></p> <ul style="list-style-type: none"> <li>Provide further information in the SMP and a STORM report that indicates that the project meets the 100% score claimed. Additional stormwater management strategies need to meet Council's Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017.</li> <li>Additional notes on the plans needed to indicate size and location of rainwater tanks connected to toilets and/or details of other stormwater treatment types proposed.</li> </ul> <p><u>Waste 2.1 Food &amp; Garden Waste</u></p> <ul style="list-style-type: none"> <li>Provide further information on the drawings and in the report which shows facilities provided for on-site management of food and garden waste. If this is not the case then amend the BESS entry.</li> </ul> <p><u>Urban Ecology 3.1 Food Production</u></p> <ul style="list-style-type: none"> <li>Provide further information on the drawings and in the report that shows the proposed food production area. If this is not the case then amend them to default/unrated in BESS.</li> <li>Given a number of the BESS categories need to be updated it is important to note that the project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice. In areas falling short of the aforementioned targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.</li> </ul> <p><b>Conditions required</b></p>
<p><b>City Strategy – Urban Design</b></p>	<ul style="list-style-type: none"> <li>The development proposes a rich and varied material palette with an emphasis on the use of brick.</li> </ul>

Service Unit	Comments
	<ul style="list-style-type: none"> <li>• Horizontal louvers are mounted on an angled frame. This adds visual interest and variation to the building and is an attractive architectural element.</li> <li>• The part-solid / part-glazed balustrades provide opportunity for light and outlook while protecting privacy.</li> <li>• The double-height building cutouts, extruded balconies, and use of both light and dark cladding treatments makes this an attractive building.</li> <li>• A glazed roof is positioned over the building entry to assist in highlighting it and, presumably, also provides weather protection.</li> <li>• All bedrooms have access to natural (not borrowed) light, outlook and ventilation.</li> <li>• The deletion of the existing crossover on the Williamsons Road frontage of the property may provide opportunity for an additional street tree.</li> <li>• Question whether it is necessary to remove both of the trees shown as removed from the rear private open space of apartment 8.</li> <li>• The services cabinet and mailbox on the front boundary of the property should be clad in the same style as the building.</li> <li>• The north-facing bedroom of Apartment 4 has a window. Suggest that this be a high-level window only, to minimise impact of noise and headlights created by cars entering and exiting the carpark.</li> <li>• Neighbour's tree on the southern boundary to be adequately protected.</li> <li>• Support the positioning of individual air conditioning units out of sight, but concern is raised about noise and visual impact for residents with them being positioned on balconies.</li> <li>• Question whether the location shown is the most suitable for an intercom. It is positioned on the RHS side of the driveway which might encourage visitors in single occupant cars to drive on the wrong side of the driveway.</li> <li>• The entry hall space is not very wide. Question whether this could be made more generous.</li> </ul>

Service Unit	Comments
<b>Engineering &amp; Technical Services Unit – Accessways</b>	<p style="text-align: center;"><b>Conditions required</b></p> <ul style="list-style-type: none"> <li>• The driveway and passing bay complies with Design Standard 1: Accessways of Clause 52.06-9 and are satisfactory.</li> <li>• The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory.</li> <li>• A minimum 2.1m of headroom clearance beneath overhead obstructions is provided, which complies with Design Standard 1: Accessways of Clause 52.06-9.</li> <li>• Driveway gradients comply with Design Standard 3: Gradients of Clause 52.06-9 and are satisfactory.</li> <li>• Officers from Council and VicRoads have discussed the access arrangements for 100-102 Williamsons Road in conjunction with a future development proposed at 92-96 Williamsons Road. The timing of the latter development is unknown at this stage, however, officers are of the view that integrating the access for both developments would provide a better ultimate design and operational outcome. Accordingly, the comments below are based on the plans submitted by Ratio Consultants for the access arrangements provided for a staged proposal, initially to facilitate the development of 100-102 Williamsons Road and ultimately, should the development proceed at 92-96 Williamsons Road.</li> <li>• Prior to the issue of a Planning Permit, a Functional Layout Plan (FLP) showing the access arrangements drawn to scale with dimensions, and generally in accordance with the advertised plans, must be submitted to and approved by the Responsible Authority, and include: <ul style="list-style-type: none"> <li>○ The service road widened by 1.0 metre to achieve a minimum road width of 5.5metres for a distance beyond the driveway to the development. The length of the service road to be widened past the driveway will be determined by demonstrating the turning manoeuvres of a service vehicle parked in the service road parallel to the development. The widening of the service road is to match the existing pavement.</li> <li>○ Localised widening of the north eastern corner of</li> </ul> </li> </ul>

Service Unit	Comments
	<p>the access entry to facilitate higher left turn entry speeds from Williamsons Road into the service road.</p> <ul style="list-style-type: none"> <li>○ Setback of the localised widening a minimum distance of 1 metre to the side entry pit, utility pits, electricity pole.</li> <li>○ Appropriate signage to formalise the two way service road.</li> <li>○ 'No Stopping' parking restriction signs at appropriate locations along the service road.</li> <li>○ Widening of the south side of the existing access way into the service road to enable simultaneous two way movements between a B99 and service vehicle.</li> </ul> <ul style="list-style-type: none"> <li>● Prior to the commencement of works for 100-102 Williamsons Road, a detailed engineering plan must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the approved FLP and to the satisfaction of the Responsible Authority. <b>Conditions required.</b></li> </ul>
<p><b>Engineering &amp; Technical Services Unit – Footpath and Crossovers</b></p>	<ul style="list-style-type: none"> <li>● The vehicle crossover is satisfactorily located.</li> <li>● The vehicle crossover servicing 100-102 Williamsons Road, Doncaster is located at the existing cross-over and is to be widened to suit the proposed access way into the development, to the satisfaction of the Responsible Authority.</li> <li>● The crossover must align with the approved width of the access way servicing 100-102 Williamsons Road Doncaster.</li> <li>● Before the occupation of the dwellings approved under this planning permit, all redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.</li> <li>● Provide a splay on the western side of the site access to facilitate simultaneous two-way vehicle movements to/from the site. <b>Conditions required.</b></li> </ul>
<p><b>Engineering &amp; Technical Services</b></p>	<ul style="list-style-type: none"> <li>● A <i>Construction Management Plan</i> is required. <b>Condition required.</b></li> </ul>

Service Unit	Comments
Unit – Construction Management	
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>• A point of discharge is available for the site. Stormwater must not be discharged from the site other than by means of drainage to the legal point of discharge.</li> <li>• The whole of the land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.</li> <li>• An on-site storm water detention system is required. <b>Conditions required.</b></li> </ul>
Engineering & Technical Services Unit – Flooding	<ul style="list-style-type: none"> <li>• The property is not subject to inundation.</li> </ul>
Engineering & Technical Services Unit – Easement	<ul style="list-style-type: none"> <li>• Paving within the easement(s) is be easily removable, to the satisfaction of the Responsible Authority. <b>Condition required.</b></li> </ul>
Engineering & Technical Services Unit – Parking provision and traffic impact	<ul style="list-style-type: none"> <li>• The number of proposed car parking spaces is in accordance with Clause 52.06-5 and the layout is satisfactory.</li> <li>• The dimensions of the parking spaces comply with Design Standard 2 in Clause 52.06-9 and are satisfactory.</li> <li>• Vehicles exiting the development will enter Williamsons Road via the service road. Vehicles entering the main carriageway of Williamsons Road may experience some delays as a result of the close proximity to the signalised intersection of Williamsons Road and Manningham Road. However, it is unlikely to cause any hazards, given that sight lines to the main carriageway are clear and unobstructed.</li> </ul>
Engineering & Technical Services Unit – Waste Management	<ul style="list-style-type: none"> <li>• Waste collection must be undertaken by a private contractor from within the property basement.</li> <li>• The developer will need to ensure that a private waste collection vehicle will have a minimum 2.4m overhead height clearance at the bin collection point within the basement to ensure that an orderly collection can occur.</li> <li>• No private waste contractor bins can be left outside the property boundary for any reason.</li> <li>• Prior to endorsement of any plan:</li> </ul>

Service Unit	Comments
	<ul style="list-style-type: none"> <li>○ Two copies of a Waste Management Plan must be submitted (which adheres to the draft Waste Management Plan prepared by Leigh Design) and approved to the satisfaction of the Responsible Authority. When approved, the Waste Management Plan will form part of the permit.</li> <li>○ No private waste contractor bins may be left outside the development boundary or left unattended at any time on any street frontage for any reason. <b>Conditions required.</b></li> </ul>

## 7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period, concluding on 28 June 2017, by sending letters to the owners and occupiers of nearby properties and displaying one (1) large sign on the frontage in accordance with the Act.

7.2 To date, three (3) objections have been received from the following properties:

7.2.1 98 Williamsons Road, Doncaster (2 objections); and

7.2.2 1 Leonard Court, Doncaster.

7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:

7.3.1 Lack of respect for neighbourhood character in terms of height and setbacks;

7.3.2 Visual bulk;

7.3.3 Compliance with Restrictive Covenant;

7.3.4 Non-compliance with site coverage and ResCode requirements; and

7.3.5 Traffic impacts to Williamsons Road and increased on-street parking;

7.3.6 Off-site amenity impacts in terms of noise and safety.

7.4 A response to the grounds of objection is included in the assessment from sections 8.56 to 8.66 of this report.

## 8. ASSESSMENT

### State and Local planning policy

8.1 There is strong justification for the proposal having regard to its strategic location, the dwelling density and architectural design, all of which respond positively to the overarching objectives of the State Planning Policy Framework (SPPF). These objectives, namely at Clause 11 Settlement, Clause 15 Built Environment

and Heritage and Clause 16 Housing, include promoting urban design excellence, and facilitating an increased percentage of new housing in established areas to create neighbourhoods close to existing services, jobs infrastructure and public transport.

- 8.2 This is further emphasised through Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land Water and Planning, 2017), as the relevant strategic document for planning within Victoria. Key objectives seek to provide Melburnians with the ability to 'live locally', meeting most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home. Achieving this requires an increased consolidation of housing in established areas, offering housing choices to meet changing household needs, and maintenance of the urban growth boundary to create a more consolidated, sustainable city.
- 8.3 The site's main road location within walking distance of a Major Activity Centre is consistent with these fundamental principles. The development generally achieves high quality urban design outcomes that will contribute positively to the public realm and provides for urban consolidation at a scale and intensity commensurate to the site and strategic intentions at a local level.
- 8.4 These overarching objectives of the SPPF are further developed through the Local Planning Policy Framework (LPPF). Clause 21.05 Residential recognises the need to reduce developmental pressure on areas of established environmental or rural values through infill residential development and consolidation. This notion is implemented through the separation of Manningham's residential land into four residential character precincts that seek to channel increased housing densities around activity centres and main roads, where facilities and services are available.
- 8.5 The subject site falls within Residential Character Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads. This precinct anticipates a substantial level of change, with these areas being a focus for higher density developments. This higher density outcome is controlled through the implementation of the Design and Development Overlay, Schedule 8 (DDO8), which establishes preferred neighbourhood character outcomes and further separates Precinct 2 into three sub-precincts. The sub-precincts feature varied density objectives that anticipate and encourage different built form outcomes, to essentially provide for a transition and graduated built forms between differing residential areas. It is anticipated that through application of the DDO8 controls, the existing neighbourhood character of areas surrounding activity centres and along main roads will be significantly altered over time.
- 8.6 The subject site and adjoining properties nearby (facing Williamsons Road) fall within the Main Roads Sub-Precinct, whilst the properties to the east (facing Leonard Court) are within Sub-Precinct B. Land within the Main Roads Sub-Precinct is also within the Residential Growth Zone, which anticipates housing at increased densities in buildings up to and including four storeys.
- 8.7 Considering the above, there is a high level of strategic and policy justification for a three-storey apartment style development on the land. The main road frontage and proximity to services and transport are primary determining factors for urban consolidation on both a state and local level. This section of Williamsons Road is also in close proximity to the Activity Centre zoning to the south, where the permissible heights of new buildings rise substantially.

- 8.8 Three-storey apartment style development is the preferred built-form outcome for the Main Roads Sub-Precinct. The average 10.0 metre building height proposed is also consistent with the preferred maximum height where sites are less than 1,800 square metres area.
- 8.9 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this has to be done in conjunction with the expected built form outcomes of the DDO8 controls, which will be assessed in the following sections of this report.

**Design and Built Form**

8.10 Following on from the above, the DDO8 sets the parameters around the built form outcomes anticipated to achieve the preferred neighbourhood character, through a series of design elements considering height, front setbacks, form, car parking and landscaping. An assessment against these design elements is provided as follows:

Design Element	Met/Not Met
<b>DDO8-1 (Main Road Sub-Precinct)</b>	
<p><b><u>Building height and setbacks</u></b></p> <ul style="list-style-type: none"> <li>• The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>• 11 metres provided the condition regarding minimum land size is met.</li> </ul> <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p> <p>This excludes plant screen.</p>	<p><b>Considered Met</b></p> <p>The site has an area of 1,320 square metres that is entirely within the Main Road Sub-Precinct. Being less than an 1800sqm land size, there is a preferred maximum building height of 10 metres (in context of slope allowances).</p> <p>The building has a maximum building height of 10.3 metres (10.55 as measured from a boundary). The sectional diagrams submitted with the application provide a more tangible depiction of the actual building height at varying points across the site. It can be seen that the building remains below 10.0 metres in height in the vicinity of the southern boundary and eastern (rear) boundary, due to the benching of the ground level into the south-west corner, and use of a sloping/skillion roof form. However, due to the natural cross-fall of the land, the building height inevitably increases towards the north. Where building height exceeds 10.0 metres, it is for a marginal amount (300mm) and is at only for a raised roof element which is set back over 6.0m from the northern boundary, and over 8.0 metres from the frontage. It is noted that these heights exclude the centrally located plant equipment and associated screening upon the roof (which are excluded in the maximum height allowances).</p>

Design Element	Met/Not Met
	<p>The perceived height of the building is the main impact to consider in this instance, and it can be reasonably argued that the central location of the roofing and darker coloured skillion styling will achieve a “capping” effect, and positively contribute the overall interest and design detailing.</p> <p>The maximum height requirement is also discretionary and, whilst a 10.0 metre height may be an appropriate limitation upon a single site, the generous land size in this instance can accommodate some additional height, with negligible impact due to the more central siting and generous setbacks of the building.</p> <p>It is therefore considered that the proposal meets the intent of this design objective.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Met</b></p> <p>The building is setback a minimum of 6.0 metres to Williamsons Road (this being the less of the options).</p> <p>Balconies encroach up to 2.0 metres into this setback and do not extend across the entire building façade, therefore being within the permissible encroachments of the DDO8.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b></p> <p>The building has a site coverage of 56.93 percent, demonstrating that a substantial area of the site is made available for landscaping.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The external walls of the building are generally all of brick, as required to ensure the building is not in contravention of the restrictive covenant. This is not typically seen in modern apartment design, however, examples exist of how this material (particularly the ‘Robertson brick’ clad system) can be used to good effect. Despite the relatively uniform palette selection, the brick in itself provides a richness and depth to the building. The use of contrasting colours manages to achieve a sense of articulation and is balanced by generous glazing and feature screens. Notably, the use of light coloured brickwork ensures the</p>

Design Element	Met/Not Met
	<p>overall appearance is not “too heavy”, or monotonous.</p> <p>The front façade is quite symmetrical, however, a central “cut-out” separates the façade into two modules and provides design variation. There are sheer wall elements, however these are key features of the design which “frame” the recessed balconies and fenestration. This overall architectural presentation is considered attractive and of high quality.</p> <p>The rear elevation is treated quite differently. There is a clear “stepping in” of each level, which is emphasised by an angled framing element which recedes from the rear boundary, as the height increases. This elevation is in turn very well articulated, and an appropriate design response to the more sensitive interfaces to the rear.</p> <p>There are generally no balconies located on the north or south elevations (other than those to the rear) and, whilst a good response in terms of amenity considerations, achieving interest and articulation, relies more heavily on material selection. Both side elevations implement all three contrasting brick colours, and utilise the off-white coloured brickwork upon the third storey walls to appropriately give a sense of lightness to taller elements. However, the south elevation is in need of some further relief across the ground and first floor levels, which are largely finished in light grey and granite coloured brickwork. It is therefore appropriate for the projecting two-storey element (Bedroom 2 of Ap. 01 and 09) or other two storey wall area, to be finished in the lighter off-white colouring. A variation to the eastern-most windows at both levels is also recommended, to achieve both added interest and increased functionality of these bedrooms, as discussed further below. <b>(Conditions 1.9 and 1.12)</b></p> <p>In terms of the remaining material selection, there is some absence of detailing regarding the screen elements located upon section of the front façade, therefore further material and design specifications will be required. <b>(Condition 1.22.1)</b></p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b></p> <p>No part of the building is constructed on a boundary. Side boundary setbacks are quite generous, ranging between 2.5 metres and 6.5 metres from the north and between 1.8 metres and 4.9 metres from the south. A reasonable sense of “spacing” will be visible from the street, to offer visual relief between built forms and corridors for landscaping in between.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met</b></p> <p>Treatment of the eastern elevation provides for a very considerate approach to the more sensitive interface to the rear (located within Sub-Precinct B) through both generous setbacks and lowered heights. The ground and first floor levels provide setbacks from between 4.0 metres and 8.6 metres. The third floor is then further set back to a minimum of 8.6 metres. Although the ground and first floor are generally replicated in footprints, they both feature a series of cut outs across the elevation, with setbacks exceeding 6.0 metres for more than half of the buildings width. When viewed from the rear, the building will appear highly modulated, with the framing elements angling away from the boundary to further accentuate the stepping provided. As building height increase toward the northern end of the site (due to natural slope), setbacks become more generous.</p> <p>It is therefore considered that the development provides for an acceptable level of transitioning to the single residential properties to the north. It should also be noted that the built form on these properties is expected to alter in time, with relevant policy for Sub-Precinct B anticipating attached townhouse development at a higher density.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b></p> <p>Excavation is proposed at the south-western corner of the building, in response to the northward slope of the land. The finished floor levels do rise above the natural ground level toward the northern end, however, as the land slope is not substantial, there is limited opportunity to further lower the building at the southern end, without</p>

Design Element	Met/Not Met
	resulting in substantially sunken apartments with compromised amenity. Overall, there is a reasonable balance of the building's floor levels in response to the conditions of the site. Importantly, it is designed in a manner which compensates for any raised floor levels, with more generous setback to offset any amenity impacts associated with increased building heights.
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b> The building does not rely on below ground light courts for any habitable rooms.</p>
<ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Met</b> The third storey of the building equates to 55% of the ground level. As demonstrated by this figure, the third storey has been suitably reduced in its footprint, providing an appropriately compact and centrally located form. It is visibly inset from the levels below on each elevation, with the exception of two walls facing west (the site frontage). These two sheer elements form part of the overall framing theme of the front elevation, and are appropriately sited toward the street where amenity impacts are negligible.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> There are no imposing design elements proposed. Design features are considered to be well integrated into the overall architectural presentation of the building.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b> As noted above, the depth of excavation has reasonably addressed site slope. There is a basement projection at the north-eastern end of the building, which has been suitably used to support an outdoor terrace for Apartment 05. The lowering of the basement and associated terrace cannot be reasonably achieved without impact upon ramp gradients, however built form impacts associated with this projection are considered minimal, given the setbacks proposed from the respective boundaries.</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The placement of rooms has been carefully considered to ensure all primary living rooms are afforded an unobscured outlook to either the east or west. To the west, screening louvres are applied to balconies to a height of 1.2 metres above the floor levels. Some modification to these is recommended, as discussed in the ResCode assessment below, however still in a manner which enables outward views to be retained. The use of obscured glazing or raised sill heights has been applied to the north and south facing windows of bedrooms which look toward the adjoining dwellings. At ground level, fence-top trellis has been applied to address overlooking to the north and east boundaries where adjacent to Apartment 05. Demonstration that overlooking has been satisfactorily mitigated will be required, as discussed in the ResCode section of this report. <b>(Condition 1.4)</b></p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b></p> <p>The main lobby entry to the building is located at the ground floor level and provides access to the central lift which services all levels.</p> <p>The level difference between the building and footpath is accounted for with steps and a pedestrian ramp (1:14) to facilitate equitable access.</p>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b></p> <p>The basement is generally concealed below the natural ground level (with the exception of a small area discussed above). Building height in this location is not excessive, remaining beneath 10.0 metres, and is adequately compensated by a more generous setback from the northern boundary.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b></p> <p>The basement is not visible from the street frontage.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by</li> </ul>	<p><b>Met</b></p> <p>All car parking spaces are provided within the basement car park.</p>

Design Element	Met/Not Met
<p>encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</p>	
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is set back a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Met</b></p> <p>From the rear boundary, the basement is set back 4.2 metres for its entirety, which provides for effective landscaping and canopy tree planting to be established. This setback also facilitates the protection of existing canopy trees on the adjoining allotments to the east.</p>
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b></p> <p>The basement and ground level have setbacks ranging between 1.5 metres and 2.75 metres from the northern and southern boundaries. This is sufficient to allow effective screen planting along each respective side boundary. The substantial setbacks from the rear (ranging from 4.0 metres to over 9.0 metres) will allow canopy tree planting to be established and to develop along the full boundary.</p> <p>All building walls have therefore been sited a sufficient distance from side and rear boundaries to allow for effective landscape provision.</p>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Roof mounted equipment (excluding solar panels) is located centrally within the roof space and is 32.4 square metres in area. A screen is proposed around its perimeter to a height of approximately 1.0 metre, however plans are lacking in detail regarding the proposed material and colouring. Similarly, further detail is required to ensure the larger service cabinet along the frontage is finished in a manner which integrates into the overall design scheme</p> <p><b>(Conditions 1.19, 1.20 and 1.22)</b></p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street</li> </ul>	<p><b>Met</b></p> <p>One crossover is proposed to service the development. The crossover at the northern end of the frontage will be retained and widened to approximately 6.2 metres.</p>

Design Element	Met/Not Met
<p>tree(s). Driveways must be set back a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</p>	
<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b> The basement level projects only 1.0 metre into the 6 metre front setback of the building. This encroaching area is utilised for the courtyards above, thereby not reducing landscaping opportunity along the site's frontage.</p>
<ul style="list-style-type: none"> <li>Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b> Vehicular access into the basement has been appropriately designed to provide for safe and convenient access into the building. Whilst an indicative location for an intercom has been shown, a condition will require that its position be reviewed (possibly to the northern side of the ramp) to avoid vehicle conflict and to ensure such system is installed prior to occupation of the building to facilitate visitor access. <b>(Condition 1.16)</b></p>
<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed, include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> <li>On sites where one or two storey development is proposed, include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met subject to condition</b> A landscape concept design has been submitted to demonstrate a potential planting theme for the site. A more formalised plan will be required to demonstrate the precise numbers and locations of plants, including the requirement for at least 3 canopy trees within the front setback, planted at an advanced height.</p> <p>In terms of canopy tree planting along the frontage, there is concern that the extent of courtyards occupying the front setback area will restrict the visual contribution of tree planting and the ability to maintain trees within a common property area. To address this, it will be required that the courtyard and associated fencing of Apartment 03 be reduced so as to be set back a minimum of 3.5 metres from the frontage and that of Apartments 2 and 4 be set back a minimum of 3.0 metres from the frontage. The resulting private open space areas will</p>

Design Element	Met/Not Met
	<p>remain sufficient to service these dwellings and at least 8 square metres in area. <b>(Conditions 1.5 and 1.6)</b></p>
<ul style="list-style-type: none"> <li>• Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met with condition</b> To ensure screen planting has a more immediate effect, trees along the rear boundary will be required to have a height of at least 2.5m at the time of planting and evergreen. The exploration of retaining existing trees along the rear boundary which are suitable for retention will also be required. <b>(Conditions 12.4 and 12.5)</b></p> <p>The removal of paving from the southern boundary setback of Apartments 01 and 08 will be required in order to ensure landscaping can be provided along the entirety of this boundary. Similarly, the relocation of the clothesline and air conditioning units, to an alternative location toward the west and east sides of their respective courtyards will be required. <b>(Condition 1.7)</b></p>
<p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>• A front fence must be at least 50 per cent transparent.</li> <li>• On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>• not exceed a maximum height of 1.8m</li> <li>• be setback a minimum of 1.0m from the front title boundary</li> </ul> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p><b>Met with condition</b> The proposed front fencing incorporates solid brickwork for heights up to 1.3 metres, in addition to metal infill above or in its place. It will be required that the fencing in front of Apartment 02 and 03 be modified to achieve compliance with the required 50% transparency. The solid section in front of Apartment 01 incorporates the services cabinet, hence there is no merit to modifying the fence in this location. Similarly, the requirement to shift the fence associated with Apartment 03 to at least 3.5 metres from the frontage no longer deems it a “front fence”, therefore retaining its proposed form is considered appropriate, particularly given the location of the pedestrian ramp directly adjacent, which would compromise privacy. A layered planting in front of the transparent sections of fencing will be required to ensure appropriate privacy is achieved. <b>(Conditions 1.6 and 12.2)</b></p>

**Car parking and traffic**

- 8.11 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-5 to the satisfaction of the Responsible Authority.
- 8.12 This clause requires resident car parking to be provided at a rate of 1 space for each dwelling with one or two bedrooms, and 2 spaces for each dwelling with three or more bedrooms.
- 8.13 Visitor car parking is also prescribed at a rate of 1 car parking space for every five dwellings.
- 8.14 The proposal requires the provision of twenty-one (21) car parking spaces for residents and four (4) car parking spaces for visitors. The proposed parking provision complies with the residential requirements and is satisfactory. An assessment against the car parking design standards in Clause 52.06-9 of the Scheme is provided in the table below

<b>Design Standard</b>	<b>Met/Not Met</b>
1 – Accessways	<p><b>Met</b></p> <p>The accessway servicing the basement car park meets the minimum width and height clearance requirements and has been designed to allow all vehicles to exit in a forward direction onto Williamsons Road.</p> <p>The passing bay dimensions now fall marginally short of the new requirements for a 6.1 metre by 7 metre long area, noting that Amendment VC132 introduced this variation (from what was previously 5.0 metres wide) on 19 September 2017. Any requirement to widen the passing area further will be left to the discretion of VicRoads and Council's Engineering and Technical Service Unit upon submission of the Functional Layout Plan.</p>
2 – Car Parking Spaces	<p><b>Met</b></p> <p>Car parking space dimensions and aisle widths are provided in accordance with the requirements.</p>
3 – Gradients	<p><b>Met</b></p> <p>Gradients of the basement ramp achieve the required transitions and transition lengths.</p>
4 – Mechanical Parking	<p><b>Not applicable</b></p> <p>No mechanical parking proposed.</p>
5 – Urban Design	<p><b>Met</b></p> <p>The vehicle crossing and accessway are not dominant features in the streetscape, particularly in context of the width of the frontage and main building façade. Treatment of the areas surrounding the car park entry are cohesive with the overall design of the building.</p>
6 – Safety	<p><b>Met subject to condition</b></p> <p>The basement car park is provided with automatic doors. A condition will require that the intercom system and automatic</p>

Design Standard	Met/Not Met
	doors be installed prior to occupation. <b>(Condition 29)</b>
7 – Landscaping	<b>Met subject to condition</b> No ground level car parking is proposed. Landscaping is provided to soften the appearance of the accessway. A condition has been included requiring a Landscaping Plan be submitted for approval. <b>(Condition 12)</b>

- 8.15 As discussed above, Council's Engineering and Technical Services Unit and VicRoads have provided coordinated recommendations in respect of the service road upgrade, to ensure that the existing road network is not compromised, and that the service road can suitably cater for the increased use anticipated with this development, and pending future development (including land at 92 to 96 Williamsons Road).
- 8.16 The main changes generally include the increase of the road opening and radius, and widening of the service road to a width of 5.5 metres (on its western side) to a length deemed suitable by Council. The ability for a service vehicle to pass and perform a three-point turn within the service road will be the determining factor in establishing the length of road widening required. Following the initial referral comments being provided, the applicant has submitted a draft Functional Layout Plan to generally meet the recommendations of Council's Engineers. While it accommodates a 6.4 metre small rigid vehicle, the swept path diagrams indicate an 8.8 metre long medium rigid vehicle would rely on encroaching into the bus lane to complete a three-point turn. The redundant crossover at the southern end of the site's frontage also requires conversion into the service road "widening" area to achieve the turning bay.
- 8.17 Council remains in discussion with VicRoads to establish a preferred outcome in this regard, with the final design of the laneway being subject to approval via condition **(Condition 3)**.
- 8.18 Other requirements generally relate to the implementation of signage within the service road, including 'no stopping' signage at locations deemed appropriate. The widened sections will be expected to match the current paving materials, and all costs associated will be met by the developer.
- 8.19 Council's Engineering and Technical Service Unit has otherwise raised no concern in relation to the expected traffic generated by the proposed development. Referral comments acknowledge that some delays may be experienced when exiting the site due to the proximity of the intersection, however, this issue was not considered detrimental or unreasonable, noting that the 'keep clear' break will somewhat facilitate merging traffic. The proximity of the subject site to public transport will also encourage a greater variety of transportation methods, as opposed to sole reliance on a private vehicle.

#### Land Adjacent to a Road Zone Category 1

- 8.20 A permit is required under Clause 52.29 of the Manningham Planning Scheme, as the proposal involves the creation of a new crossover and the removal of existing crossovers in Williamsons Road, as it is zoned Road Zone, Category 1.

- 8.21 The decision guidelines of this clause include the views of the relevant road authority.
- 8.22 The requirements of VicRoads are included in the recommendation (**Conditions 51-55**).

#### Bicycle Facilities

- 8.23 There are no bicycle requirements prescribed (as the development is less than four storeys), however racks are provided both within the basement and adjacent to the front entry, to facilitate alternative and sustainable transportation

#### **On-site and Off-Site Amenity Impacts**

- 8.24 Clause 55 Two or More Dwellings on a Lot and Residential Buildings applies to an application to construct two or more dwellings on a lot, establishing the planning controls for on-site and off-site amenity through the application of objectives and standards.
- 8.25 Clause 55 specifies that a development must meet all of the objectives and should meet all of the standards of this clause. The standards contain requirements to meet the objectives and compliance with these requirements is widely accepted as satisfying the relevant objective.
- 8.26 An assessment against the objectives and standards of Clause 55 is provided in the table below, however, the following off-site amenity impacts require further discussion.
- 8.27 Clause 55.04-1 Side and rear setbacks: The proposed building setbacks achieve compliance with Standard B17 from all side and rear boundaries, however a discrepancy between plan and elevation make compliance of Apartment 20 from the north boundary difficult to determine. On plan, the balcony associated with this dwelling is depicted as having a 4.35 metre setback from the north boundary, however, the elevation and associated 3-dimensional views indicate that the balcony is set back 2.47 metres, in the form of an extended parapet from the second floor wall below. If not for the purpose of a balcony balustrade, an extended parapet feature may otherwise be proposed to conceal some of the third storey elevation. In either manner, the 2.47 metre setback would not comply with the 3.2 metre setback required for an 8.1 metre wall height, and presents an excessively vertical and sheer wall. A correction of the plans will be required, in addition to the lowering of any raised parapet height in compliance with Standard B17 (Condition 1.2).
- 8.28 Clause 55.04-4 North facing windows: The plans indicate that the dwelling to the south has two north-facing habitable room windows within 3.0 metres of the site. Standard B20 prescribes minimum setbacks commensurate to proposed wall heights to ensure adequate northern solar access is afforded existing windows. These setbacks are applied for a distance of 3.0 metres from either edge of a north-facing window.
- 8.29 The proposed south boundary setbacks associated with the second and third storey walls are non-compliant in areas opposite the windows and their 'control area'. In the applicant's response to this non-compliance, it was submitted that the proposed shortfall was considered acceptable given the adjoining dwelling

has a large number of east and west facing windows, and given potential shading presented by existing vegetation.

- 8.30 The justification provided is not agreed with, as potential shadowing caused by vegetation (which can be removed or pruned at any time) is not a valid consideration in the application of the Standard and, in any event, the loss of light associated with the trees is unlikely to be significant. In terms of the presence of other east and west facing windows, the dwelling in question often has shading devices covering the western windows in a presumed attempt for energy efficiency and protection from hot western sun. As identified by the objective of this clause and in common sustainability standards, maximising a northern orientation and sunlight access is ideal.
- 8.31 The other consideration is the potential redevelopment of this site and the principles of equitable access. It can be expected that future redevelopment will seek benefit of its northern aspect in the placement of living room windows and private open space areas.
- 8.32 For these reasons, compliance with Standard B20 is recommended (**condition 1.1**). At the current wall heights, Bedroom 2 of Apartment 08 at the second storey would require a setback of 2.35 metres from the southern boundary. The remainder of the second floor level within the control area appears to achieve compliance, provided wall heights are demonstrated to be less than 6.6 metres. The Bedroom 2 and Kitchen/Dining area of Apartment 17 at the third storey will also require more substantial setbacks of up to 4.78 metres at the current wall heights.
- 8.33 Flexibility will be allowed for in manner in which compliance is achieved, as lowered wall heights/design changes are amongst other methods which could be applied. There are likely to be implications upon the layouts of Apartment 17 and 09 as a consequence of this condition, however, there is flexibility to vary the floor plans and/or bedroom/dwelling numbers as deemed necessary.
- 8.34 Clause 55.04-6 Overlooking: The sectional diagrams associated with the louvered screens proposed upon the east facing balconies at the second and third storeys indicates that downward views into No. 1 and 2 Leonard Court will occur. The requirements of Standard B22 are technically met, as views do not hit the ground level at the 9 metre viewing arc, however in application of the Objective, it is clear that there will be views into these secluded private open space areas. With a slight increase to the height of the louvres, downward views can be prevented, whilst maintaining outward views. In protection of both internal and external amenity, a slight increase of the louvre screen heights will be required to the satisfaction of the Responsible Authority. (**Condition 1.2**)
- 8.35 The fencing proposed along the northern and eastern boundaries is likely high enough to prevent views into adjoining private open space areas within the 9 metre viewing arc, however further details/sectional diagrams will be required to demonstrate that any resulting overlooking is not unreasonable, in accordance with the Objective of this Clause. (**Condition 1.4**)

8.36

Objective	Objective Met/Not Met
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Met</b></p> <p>As outlined in the assessment of the proposal against the policy requirements of the Design and Development Overlay – Schedule 8 (DDO8), the proposed apartment development responds positively to the preferred neighbourhood character.</p>
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p><b>Met</b></p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State and Local Planning Policy.</p> <p>Clauses 21.05 (Residential) and 43.02 (Design and Development Overlay – Schedule 8), are applicable to the site and support higher density developments along main roads. The development can take advantage of public transport and community infrastructure and services within a walking distance of the site.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<p><b>Met</b></p> <p>The proposal includes a mix of one and two bedroom dwellings, with a range of floor areas to provide diversity.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The site has access to all services. The landowner will be required to provide an on-site stormwater detention system to alleviate potential pressure on the drainage system (<b>Condition 15</b>), however there are no apparent capacity issues in the area.</p>

Objective	Objective Met/Not Met
<p><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met</b></p> <p>The front entry of the development is orientated to face Williamsons Road and provides clear and defined pedestrian and vehicle links.</p>
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Met</b></p> <p>The building is setback 6.0 metres to Williamsons Road, complying with the required setback of the DDO8.</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Considered Met</b></p> <p>The maximum building height generally falls within the preferred maximum building height listed under the DDO8 of 10.0 metres, with the exception of one roof projection toward the north-western end of the building of approximately 300mm.</p> <p>For the reasons discussed in Section 8.10 of this report, the maximum building height is considered acceptable.</p>
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met</b></p> <p>The site area covered by the building does not exceed 60 percent, with a proposed site coverage of 56.9 percent.</p>
<p><b>55.03-4 – Permeability</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> </ul>	<p><b>Met</b></p> <p>The area of impermeable surfaces does not exceed 80 percent of the site, with a proposed pervious area of 31.55 percent (Standard permits 20 percent).</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Given the orientation of the site, not all dwellings benefit from a northern aspect, however all do receive exposure to eastern or western sunlight. There are no dwellings with a complete southern orientation, nor any living rooms facing south.</p> <p>As discussed in the Internal Referrals section of this report, a condition has been included requiring a full SMP to be submitted for approval. The condition includes a number of sustainability measures to be incorporated into the building's design. <b>(Condition 6)</b></p>

Objective	Objective Met/Not Met
<p><b>55.03-6 – Open Space</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<p><b>Not applicable</b></p> <p>There is no public or communal open space provided on site and none is adjacent. Given the size of the development and relatively generous private open space areas, this is considered reasonable.</p>
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met</b></p> <p>The primary entry to the building is not obscured or isolated from the streetscape, is readily visible from the street and is delineated by the pedestrian entry pathway from the front boundary.</p> <p>Planting or design elements which create unsafe spaces along the street and accessways have been avoided.</p> <p>The basement level will be secured by a remote controlled door, with the entry to the basement visible from several windows and balconies within the development. The basement level will be provided with lighting in compliance with the Building Regulations.</p> <p>All private spaces within the development are adequately protected from inappropriate use as a public thoroughfare by building walls and internal fencing.</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Met subject to conditions</b></p> <p>The concept landscape plan submitted with the application demonstrates that the proposed layout can accommodate a landscaping design that is appropriate for the site.</p> <p>A full Landscaping Plan will be required to by a permit condition (<b>Condition 12</b>) to reflect all plan changes under Condition 1 and specific requirements discussed above.</p> <p>A landscape maintenance bond of \$10,000 will also be required by a permit condition. (<b>Condition 13</b>)</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The accessway does not exceed 33 percent of the street frontage. One double width crossover will service access into the building, which is suitable for a development of this nature.</p>

Objective	Objective Met/Not Met
	<p>The widening of the service road will be required (as discussed above) to ensure it is appropriately upgraded to accommodate increased vehicle movements and the changing conditions presented by the proposal.</p> <p>The Waste Management Plan submitted with the application demonstrates that a private waste collection vehicle can adequately enter the basement level and manoeuvre within.</p>
<p><b>55.03-10 – Parking Location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> </ul>	<p><b>Met</b></p> <p>Car parking facilities will be in a convenient and secure location, being located within the basement level that is secured via the remote controlled door and accessed via the internal stairwell and lift.</p> <p>Ventilation to the basement level can be provided via mechanical means.</p> <p>There are no habitable room windows located within close proximity to the accessway that would experience adverse noise impacts from the use of the accessway.</p>
<p><b>55.04-1 – Side And Rear Setbacks</b></p> <ul style="list-style-type: none"> <li>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Refer to assessment at 8.28 above</b></p>
<p><b>55.04-2 – Walls On Boundaries</b></p> <ul style="list-style-type: none"> <li>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Not applicable</b></p> <p>There are no walls proposed on a boundary.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Standard met</b></p> <p>All existing and proposed habitable room windows are provided with sufficient light court areas that comply with the standard.</p>
<p><b>55.04-4 – North Facing Windows</b></p>	<p><b>Refer to assessment at section 8.29 above</b></p>

Objective	Objective Met/Not Met
<ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b></p> <p>Overshadowing is required to be considered on the 22<sup>nd</sup> September equinox between 9am and 3pm (Standard B21).</p> <p>The property to the south will experience minor overshadowing, beyond the shadow of the boundary fence, from midday onwards. The affected area is generally the space to the side of the dwelling. In the context of the total private open space area, the extent of shadowing falls well within the allowable levels of Standard B21. It is also clear that the more usable area of open space to the east of the dwelling and associated swimming pool area will be unaffected. Furthermore, as a result of the conditions relating to north-facing windows, the resulting shadowing will be decreased.</p> <p>The properties at 1 and 2 Leonard Court to the east will be impacted by shadows at 3pm. Again, the extent of shadowing falls well within the allowable limits of Standard B21, and the extent of areas impacted is not significant in context of the total private open space areas.</p>
<p><b>55.04-6 – Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Refer to assessment at section 8.35 above</b></p>
<p><b>55.04-7 – Internal Views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Met</b></p> <p>The proposed design layout will limit internal views into the secluded private open space and habitable room windows of dwellings within the development.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Met subject to condition</b></p> <p>A permit condition will require acoustically treated glazing to be provided to the habitable room windows directly facing Williamsons Road, to protect occupants from external traffic noise. <b>(Condition 1.13)</b></p> <p>Plant on the roof is centrally located and concealed with screening. Building services, including electrical substations and air inlets for the mechanical basement ventilation are required to be shown on the plans</p>

Objective	Objective Met/Not Met
	<p><b>(Condition 1.21)</b></p> <p>The requirement for a highlight window upon the north-facing Bedroom of Apartment 04 will reduce noise associated with the basement ramp. <b>(Condition 1.10)</b></p>
<p><b>55.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Met</b></p> <p>A pedestrian ramp adjacent to the main entrance allows access for people with limited mobility to the front entry of the building.</p> <p>The internal lift provides access to the basement level visitor parking and entries of all dwellings.</p>
<p><b>55.05-2 – Dwelling Entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<p><b>Met</b></p> <p>The apartments all derive pedestrian access from the central path and foyer at the frontage. The building entry is well identified and sheltered by a canopy.</p>
<p><b>55.05-3 – Daylight To New Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Met subject to conditions</b></p> <p>Some bedroom windows have outlook onto narrow light shafts (similar to a battle-axe approach), however in all instances, the width and depth are at a ratio of at least 1:2 to ensure daylight reaches each respective window.</p>
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met</b></p> <p>The ground floor dwellings are provided with secluded private open space areas in the form of paved courtyards, with those to the east also having landscaped gardens.</p> <p>The total amount of private open space afforded to each dwelling ranges between 8 square metres and 108 square metres. Balcony depths are generally at an average of 2.0 metres or more. Whilst the ground level courtyards do not all achieve an area of 25sqm, application of the Standard is generally directed at more traditional housing forms, and is not typically expected in smaller apartment style dwellings. In the context of dwellings sizes and bedroom numbers, the proposed allocation and forms of secluded private open space areas are appropriate.</p>
<p><b>55.05-5 – Solar Access To Open Space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Met</b></p> <p>An apartment building design typology, does not always allow all private open space areas to be provided with a northern aspect.</p> <p>Due to the orientation of the site, a northern exposure to all dwellings cannot be achieved, however, all have</p>

Objective	Objective Met/Not Met
	some eastern and westerly aspects, with no open space having a southerly aspect, which is a commendable feature.
<b>55.05-6 – Storage</b> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<b>Met subject to condition</b> 6 cubic metres of externally accessible storage is prescribed for each dwelling under the clause.  Storage has been provided in the basement levels within separate store areas. General dimensions would indicate that storage is achieved in the order of 6 cubic metres, however a condition will require that the volumes be nominated on plan, to the satisfaction of the Responsible Authority. <b>(Condition 1.17)</b>
<b>55.06-1 – Design Detail</b> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<b>Met subject to condition</b> The apartment building is well designed and incorporates various materials and finishes to reduce the sense of visual bulk. This is described within the assessment above.  A permit condition will also require a full schedule of materials and finishes with colour samples <b>(Condition 1.22)</b> .
<b>55.06-2 – Front Fence</b> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<b>Met</b> Modifications to the front fence, as discussed above, will ensure general compliance with the requirements of the DD08.
<b>55.06-3 – Common Property</b> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<b>Met</b> The communal basement, pathway and shared landscaping areas are practically designed. There are no apparent difficulties associated with the future management of these areas. As noted above, the reduction in courtyards within the frontage will ensure that a large proportion of landscaping is within future common property to ensure appropriate on-going maintenance.
<b>55.06-4 – Site Services</b> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<b>Met subject to condition</b> Site services are generally appropriately provided.  All fire services, substations etc. have been nominated on the site plan, however detail regarding their treatment is lacking in elevation.  To bring together the landscaping and screening requirements adjacent to service cabinets, a permit

Objective	Objective Met/Not Met
	condition will require details to demonstrate how they will be integrated into the development. <b>(Condition 1.19)</b>

### On-site amenity

- 8.37 In terms of on-site amenity considerations, there is some concern with a number of bedroom dimensions which are less than 3.0 metres in width.
- 8.38 Clause 55.07 has been recently introduced into the Planning Scheme and provides requirements for apartment development, in addition to the ResCode provisions. This application is exempt from the requirements of Clause 55.07 of the Scheme, as it was lodged prior to the gazettal date (13 April 2017) of Amendment VC136. Nonetheless, there are some requirements within this clause which provide useful guidance as to what should be an acceptable level of amenity afforded to a dwelling. Of note, is Clause 55.07-12 Functional Layout Objective. This provides some minimum dimension requirements for Bedrooms and Living Spaces as follows:
- 8.38.1 Main bedroom: 3 metres width x 3.4 metres depth
- 8.38.2 All other bedrooms: 3 metres width x 3 metres depth
- 8.38.3 Living areas (excluding dining and kitchen areas) for Studio and 1 bedroom dwellings: 3.3 metres width and 10 sqm minimum area
- 8.38.4 Living areas (excluding dining and kitchen areas) for 2 or more bedroom dwellings: 3.6 metres and 12 sqm minimum area.
- 8.39 Despite the application being exempt from complying with the requirements of Clause 55.07, these general principles should be used as a minimum benchmark in current dwelling design to ensure layouts offer “functional” spaces and a reasonable level of internal amenity for future occupants. Developments of “high quality” are also specifically sought by Clause 21.05 Residential.
- 8.40 A condition will require that the bedrooms achieve these dimensions, whilst ensuring that any layout changes associated with achieving these maintain the living room dimensions specified above **(Condition 1.8)**. Modifications to bathrooms, bedroom numbers or dwelling numbers can be applied as necessary to achieve these requirements. It is not anticipated any significant changes to the building’s external presentation would occur as a result.
- 8.41 Following on from this, window or design modifications are suggested to ensure all bedrooms can provide for a wall against which a bed-head can be placed, rather than against a window pane (Bedroom 2 of Apartments 01 and 09). **(Condition 1.9)**
- 8.42 In accordance with the recommendations of the Urban Design referral, the widening of the corridor will be required, by way of absorbing the “service” cabinets generally into the adjacent dwelling footprint at each respective level. The corridor width narrows to approximately 1.2 metres in this location, which is extremely tight and impractical in terms of furniture moving etc. **(Condition 1.11)**

### Compliance with Restrictive Covenant

8.43 Any other matters

8.44 The land titles are affected by a Restrictive Covenant (contained in Instrument of Transfer B930209 dated 14 May 1964). The Covenant relevantly provides:

*“The registered proprietor or proprietor of the land for the time being hereby transferred and as separate covenants covenant with the transferor its successors and assigns and other, the registered proprietor or proprietors for the time being of the lots contained in the said plan of subdivision (other than the lots hereby transferred) that they, the transferors, heirs, executors, administrators and transferees, registered proprietor or proprietors for the time being of the land hereby 2 transferred **shall not at any time erect, construct or build or cause to be erected or constructed or built or allowed to remain erected or constructed or built on either of the said lots hereby transferred or any part thereof any building of a temporary nature and any building erected on either of the said lots shall be of brick or brick veneer construction and this covenant shall be noted on the certificate of title pursuant to this transfer.**” (emphasis added)*

8.45 In response to Council’s request for legal evidence that the Covenant would not be breached by the proposal, specifically in the selection of building materials and use of pre-cast panel of brick veneer tiles (more specifically, the Robertson Façade system), the applicant provided legal opinions from Hardwood Andrews on two occasions. The advice is described below.

8.46 Part of the development will include the Robertson Façade System. This involves laying thin bricks into precast concrete (brick inlay) which produces the look and feel of a traditional brick or brick veneer wall. It incorporates precast panels with brick veneer tiles to provide the appearance of traditional brick or brick veneer.

8.47 In support of the use of this material, reference was made to a recent decision of the Supreme Court *Clare & Ors v Bedelis* [2016]; a case where brick veneer was proposed, despite the restriction preventing the erection of any house other than one “having walls of brick or stone”. The decision provided that:

*“.. the presentation of the dwelling to the outside world is the principal purpose of the restriction. It is also indicates a purpose of avoiding houses of low quality, as is the case with most, if not all, building material restrictions that specify brick...*

*..given the purpose of the restriction is to require the external appearance to be of brick or stone and to avoid low quality construction materials, there is no reason why walls of brick veneer do not meet the purposes.”*

8.48 The same principle was applied to this application, where the use of the Robertson Façade System, incorporating precast panels with brick veneer tiles, will provide the appearance of brick or brick veneer.

8.49 In terms of the use of other alternative materials upon elements of the building (i.e. metal, glass, aluminium), reference was made to the Supreme Court Decision *Jacobs v Grieg* [1956] VLR 597, which related to a covenant prohibiting

a building “of any material *other than brick or stone with a tiled or slate roof*”, where it provided;

*“No one would read this covenant as requiring that floors, stairs, rafters, or doors should be of brick or stone, or as essaying to interdict on the estate the otherwise common practise of using glass windows, metal or porcelain plumbing materials, or concrete or terrazzo flooring, or cement or plaster rendering over brick walls.”*

- 8.50 Further argument applied the same common sense approach to this building, stating that if the *“covenant were interpreted to require a roof of brick or brick veneer, it would produce an absurd result that could not have been intended by the drafters of the Restrictive Covenant.*
- 8.51 Section 61(4) of the Planning and Environment Act 1987 (PE Act) provides that if the grant of a permit would authorise anything which would result in a breach of a registered restrictive covenant, the responsible authority must refuse to grant the permit unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.
- 8.52 It should be noted that a prior application to remove the covenant from the titles has been made (Planning Permit Application PL15/025821), however was withdrawn in November 2016 after two objections were received from beneficiaries subsequent to notice. Further action to remove the covenant through the Supreme Court has not been pursued, but still remains an option.
- 8.53 This application has subsequently been lodged, with intent of complying with the covenant’s restriction. The plans initially lodged with the application proposed use of a “Greenaway panel system” for the building exterior. Council was not satisfied with this material meeting the intent of the covenant, consequently the material was modified to the current selection.
- 8.54 In addition to the accompanying legal advice to establish compliance with the covenant, examples of buildings where this particular product has been used was provided and viewed in the physical sense at 201 Whitehorse Road, Balwyn and Earl Street Kew.
- 8.55 Ultimately, upon inspection of this material and with supporting legal evidence, Council Officers are satisfied that the proposed construction materials will not breach the covenant as:
- 8.55.1 The use of brick and brick veneer is in accordance with the specified materials of the covenant;
- 8.55.2 It is agreed that primary intent of the covenant is the related to the appearance of brick as viewed externally from the outside world. The pre-cast panels ultimately incorporate a “brick veneer” albeit that the brick itself is thinner, and constructed in a different manner.
- 8.55.3 The implied intent for of avoiding low quality construction is most commonly implied where restrictions are for “brick or stone”. Brick veneer is permitted in this instance (an outer layer of veneer applied to a structural frame). It is commonly accepted that intent of brick /brick veneer covenants typically sought to prevent use of timber weatherboards or asbestos sheeting.

8.55.4 Applying the material restriction to areas other than the primary walls of the building could not be logically applied, as it would otherwise prevent glass windows, balustrade/rails, fascias and frames of any other material.

8.56 Whilst commonly accepted that cement or plaster rendering over brickwork is not in breach of a “brick” covenant where the intention is to “*avoid low quality construction*” a condition will be required to prevent the brick elevations from being covered, in the spirit of the “appearance” aspect of the covenant.  
(**Condition 1.22.2**)

#### **Objector concerns/issues**

8.57 A response to the grounds of objection is provided in the following paragraphs.

##### Non-compliance with neighbourhood character in terms of height and setbacks

8.58 Precinct 2 delineates areas within Manningham that are a focus for higher density developments, where a substantial level of change is anticipated. Moreover, the applicable objectives of the DDO8 aim to support three storey, ‘apartment style’ typologies within the Main Road sub-precinct. The application of ResCode Standards in relation to heights and front setback are not applied in the usual manner, as the DDO8 specifies these requirements. The purpose of this is to achieve a “preferred” character where substantial anticipated change is earmarked to occur.

8.59 In light of an applicable preferred neighbourhood character, the lack of reflection of the existing neighbourhood character with regard to scale and setbacks is both inevitable and necessary to achieve the intended urban consolidation. On the whole, the three-storey apartment form and proposed 6.0 metre front setbacks achieve the built form outcomes directed, as outlined under the above assessment section of this report (Section 8.10).

##### Visual bulk presented to property to the south

8.60 As outlined within the On-Site and Off-Site Amenity Impacts assessment section of this report (Sections 8.23 to 8.25), the development fails to achieve compliance requirements relating to daylight to north-facing windows, however conditions have been applied to ameliorate this. The development is otherwise compliant with considerations relating to setbacks from the south boundary (Clause 55.04-1) and overshadowing open space (Clause 55.04-5). Views from this property will inevitably change as a result of the development, however the degree to change is consistent with the preferred built form outcome, providing a visible reduction in the upper level footprint and maintaining a building height beneath 10.0 metres as viewed from the south. The generous rear setback of the third storey results in much of the outlook from this neighbouring private open space being limited to a two-storey built form. This, together with landscape softening, is not considered to result in an unreasonable level of visual bulk.

##### Level of compliance with Restrictive Covenant

8.61 This aspect has been covered in detail above (Section 8.42 to 8.54), with compliance with the covenant justified with a legal opinion from a suitably qualified professional.

Non-compliance with site coverage a number of ResCode requirements:

- 8.62 Site coverage is below the 60 percent permitted by both Standard B8 of ResCode and the DDOO8. Compliance with each ResCode Standard has been made in the off and on-site amenity considerations assessed above at Section 8.36. Any areas of non-compliance have been discussed in further detail above, however only relate to three areas of off-site amenity which will be addressed through conditional changes.

Traffic congestion and excessive on-street parking demands

- 8.63 Council's Engineering & Technical Services Unit has assessed the application and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The increased traffic movement associated with the development may result in some potential wait times to access the primary road network, however the 'keep clear' access will facilitate movements to and from the service road.
- 8.64 Williamsons Road falls within the jurisdiction of VicRoads, which has not objected to the access arrangements and do not foresee any adverse impacts upon the safety and performance of Williamsons Road, subject to conditions including the widening of the service road entry to facilitate dual access and egress. Council's further requirement to widen the service road where adjacent to the site frontage will also improve two-way traffic movement. Some 'no standing' restrictions will be applied to the service road to ensure parking is restricted where deemed appropriate.
- 8.65 The development otherwise achieves a car parking rate which is in compliance with Clause 52.06 (Car parking) of the Manningham Planning Scheme for residents and visitors, which gives some assurance that the expected parking demands generated are adequately serviced on-site. Council cannot reasonably require a higher rate, for there to be consistency with all other approvals of this nature.

Amenity impacts associated with noise, health and safety

- 8.66 Domestic noise emanating from adjoining residential properties must be expected in a residential setting. However, when noise types or levels are excessive, they impact amenity. This concern is a civil matter and is not a consideration that can be contemplated in the planning application assessment process.
- 8.67 In relation to concerns regarding health and safety implications associated with the development (including littering into objector property to rear), it is not expected that the development will result in amenity outcomes any different to an ordinary residential use. Furthermore, the building itself is set back 4 metres or more from the rear boundary, with this buffer area to be planted out with dense screening vegetation to provide a further physical barrier between the properties.

**9. DECLARATION OF CONFLICT OF INTEREST**

- 9.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.